

BOARD OF BEHAVIORAL SCIENCES

FINDING OF EMERGENCY

Schools Approved by the Bureau for Private, Postsecondary and Vocational Education Relating to Marriage and Family Therapist Licensure

Add Section 1832.5 to Division 18, Title 16 California Code of Regulations

The Board of Behavioral Sciences (Board) hereby finds that adoption of emergency regulations concerning schools approved by the Bureau for Private, Postsecondary and Vocational Education (BPPVE) that provide degrees which qualify persons for Marriage and Family Therapist (MFT) intern registration and MFT licensure is necessary. The Board specifically finds these emergency regulations are necessary for the immediate preservation of the public health and safety, and general welfare of the citizens of California.

Specific Facts Showing the Need for Immediate Action

On September 30, 2006 the Governor vetoed Assembly Bill 2810 (Liu). This bill, among other elements, extended the sunset date for the BPPVE for one year to July 1, 2008. The veto of this legislation has the effect of repealing both the BPPVE and the underlying statutes that govern the approval of thousands of educational institutions including 21 programs offering degrees required for MFT intern registration and MFT licensure.

Absent further legislative action, the Board will be unable to accept degrees conferred by these 21 programs on or after July 1, 2007, preventing new applicants from obtaining a MFT intern registration. Reform proposals to establish a new law and administrative entity to succeed the BPPVE have been introduced (AB 1525 and SB 823), but it is unclear whether these proposals will pass.

Without BPPVE approvals, one of the major pathways for MFT internship would be blocked. Only graduates from accredited institutions would be eligible. California consumers would be denied services that could be provided by these new licensees and registrants. Additionally, as a result of the Mental Health Services Act, county agencies are expected to add approximately 3,525 new positions for direct service providers. MFT Interns are an important source of employees for these agencies, especially given that workforce needs and challenges identified by county agencies are language proficiency, cultural competency and representative diversity. A recent demographic survey by the Board indicated that MFT Interns are much more diverse than MFT licensees.

The attached proposed emergency regulations are therefore necessary for the health and safety, and general welfare provisions as required by Section 11346.1 of the California Government Code.

Authority and Reference:

Authority: Section 4990.20, Business and Professions Code.

Reference: Section 4980.40, Business and Professions Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law authorizes the Board to regulate MFT licensure and MFT intern registration and specifies the requirements for licensure and registration. This proposal would continue the recognition of currently approved institutions offering MFT degrees by authorizing these approvals to extend beyond the BPPVE's sunset until either the approval's expiration or until a successor agency is appointed and able to review the next round of renewal applications.

Statutory Requirement

Business and Professions Code Section 4980.40(a) requires applicants for MFT licensure to possess a doctor's or master's degree from a school, college, or university accredited by the Western Association of Schools and Colleges, or approved by the BPPVE. Business and Professions Code Section 4980.44(a)(1) requires the same for an MFT intern registration.

FISCAL IMPACT STATEMENTS

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

Nondiscretionary Costs/Savings to Local Agencies: None

Mandate on Local Agencies or Schools:

No local mandates or reimbursements are required as a result of the regulations.

Business Impact:

The Board has determined that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses:

The Board has determined that this regulatory proposal would not have any negative impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The Board is not aware of any cost impact that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effects on Housing Costs: None

Cost Estimate: The Board has determined that the regulation will involve no measurable costs or savings to any State agency, no nondiscretionary costs or savings to local agencies or school districts, no reimbursable costs or savings to local agencies or school districts, and no costs or savings in federal funding to the State.